IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8488 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ISHWARBHAI B RABARI

Versus

UTTAR GUJ GRAM VIKAS TRUST

Appearance:

1. Special Civil Application No. 8488 of 1990

MR ND NANAVATI for Petitioner No. 1

for Respondents No. 1-2

MR ND GOHIL, AGP, for Respondents No. 3-4

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 22/10/2001

ORAL JUDGEMENT

The present petition is filed challenging the order dated 10.9.1990 of the District Education Officer,

copy of which is produced at Annexure-F to the petition. By the said order the District Education Officer did not grant approval to the appointment of the petitioner on the ground that the petitioner has passed `Siksha Shastri' Examination from Varanasi University and therefore it is not equivalent to B.Ed. degree of Gujarat University, though the copy of that letter does not make that reading very clear because of incomplete production of the contents of the said letter. However these facts are gathered from para 8 of the petition. The ground of challenge to the said letter is mentioned in paragraph 13 of the petition. Para 13 of the petition reads as under:-

> "The petitioner submits that as per the reasons recorded by the District Education Officer for not approving the appointment of the petitioner is thoroughly misconceived and contrary to the Government Resolution dated 18th October 1986."

It is interesting to note that the learned counsel for the petitioner has not produced copy of the resolution dated 18th October 1986. Still the contention is raised that the order of the District Education Officer is contrary to the said Resolution. In absence of that resolution it cannot be appreciated as to whether the order of the District Education Officer is contrary to the resolution in question or not.

2 Alternatively, the qualification possessed by the petitioner, namely, `Shikhsa Shastri' from Varanasi University does not appear to be correct in view of the contents of the letter dated 10.09.1990 at Annexure-F. It is stated in that letter that he passed `Shiksha Shastri' examination from Varanasi Sanskrit Mahavidyalaya. This is a matter which is and can be decided by the authority. The petitioner has not challenged the decision of the authority of not treating the said qualification to be equivalent to a B.Ed. qualification. In view of the aforesaid discussion and on account of afflux of time, the petition must fail. The petitioner must have settled in life by now. The petition fails. Rule is discharged.

(Ravi R Tripathi, J.)

(mohd) ***